

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, MAY 3, 2005
AT 9:00 A.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

Table of Contents

CHRONOLOGY OF THE MEETING.....	4
ATTENDANCE DURING THE MEETING	4
ITEM-300: ROLL CALL.....	5
NON-AGENDA COMMENT	6
COUNCIL COMMENT	10
CITY MANAGER COMMENT.....	10
CITY ATTORNEY COMMENT	10
ITEM-30: Approval of Council Minutes	10
* ITEM-50: Wireless Communication Facilities	11
* ITEM-51: NOTE: This item was inadvertently noticed for this meeting and is expected to be re-docketed for a Council meeting later this month.....	12
* ITEM-52: Villa Paraiso Rezone, Located at 3840 Via de la Valle.....	12
* ITEM-53: Five actions related to Multiple School Joint Use Agreements Renewal with San Diego Unified School District	13
* ITEM-54: NOTE: This item was inadvertently noticed for this meeting and is expected to be re-docketed for a Council meeting later this month.....	14
* ITEM-100: Support Federal Funding for Sewage Infrastructure Repair to Stop Sewage Pollution.....	14

* ITEM-101: City of San Diego Settlement Claim against PCL Civil Constructors Inc., regarding Construction Defects Discovered in the Rose Canyon Trunk Sewer Project	15
ITEM-102: FY 2006 Annual Action Plan – Consolidated Plan.	16
* ITEM-103: Lease Agreement with Federal Aviation Administration (FAA) for Property Located at Mission Bay Ski Island	17
* ITEM-104: Contribution Agreement with Caltrans for Improvements on Interstate 15	19
* ITEM-105: Amended Freeway Agreement for Interstate 8 with the State of California for Waring Road to La Mesa City Limit	21
* ITEM-106: Cooperative Agreement for Relinquishment of State Right of Way Adjacent to Interstate 8.....	23
* ITEM-107: Grant Application to the San Diego Association of Governments (SANDAG) for FY 2006 Transportation Development Act (TDA) Grant Funding for the Development of the Citywide Pedestrian Master Plan – Phase 2.....	24
* ITEM-108: Grant Application to State of California Office of Emergency Services for Seismic Retrofit of Water Transmission Pipelines	26
* ITEM-109: Sewer Easement Vacation in Lots 17, 18, and 19, Block 2 of Nicholson’s Addition Map No. 952	28
* ITEM-110: Closing an Alley South of Boston Avenue between South 37 th Street and South 38 th Street	30
* ITEM-111: Reappointments to the Community Forest Advisory Board.....	31
* ITEM-112: Appointments and Reappointments to the International Affairs Board.....	32
* ITEM-113: Earth Day	33
* ITEM-114: Declaring a Continued State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico	34
ITEM-115: Declaring a Continued Local Health Emergency Due to the Spread of the Hepatitis C Virus and the Human Immunodeficiency Virus (HIV)	35

* ITEM-116:	Declaring a Continued State of Emergency Due to Severe Shortage of Affordable Housing in the City	36
* ITEM-117:	Professional Investigators of California (PICA) Licensed Private Investigator Unity Day	36
* ITEM-118:	Mission Bay Rotary Club's 50 th Anniversary Day	37
ITEM-200:	Special Hearing - FY 2006 Community Development Block Grant (CDBG) Program Funding	37
ITEM-250:	Notice of Pending Final Map Approval – 3815 Third Avenue	40
ITEM-251:	Notice of Pending Final Map Approval – 4466 48 th Street	41
ITEM-252:	Notice of Pending Final Map Approval – 4548 Hawley Boulevard	41
ITEM-253:	Notice of Pending Final Map Approval – 1756 Essex Street	42
ITEM-330:	Two actions related to Rancho Bernardo Maintenance Assessment District	43
ITEM-331:	Two actions related to City Heights Square Office and Retail Project Disposition and Development Agreement	45
ITEM-332:	Two actions related to City Heights Square Senior Housing Project Disposition and Development Agreement	47
ITEM-333:	Three actions related to Amended and Restated Disposition and Development Agreement with Oliver McMillan, LLC and Review of Basic Concept/Schematic Drawings for the South Block Lofts Project.....	50
ITEM-334:	Four actions related to Grantville Redevelopment Project	51
ITEM-S500:	Hanford Drive and Fashion Valley Road Emergency Repairs	53
NON-DOCKET ITEMS	56
ADJOURNMENT	56

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Murphy at 10:10 a.m. Mayor Murphy announced that for the second year in a row the City of San Diego has won a prestigious award from the California Chapter of the American Planning Association. Collette Morris, President of the Association presented Mayor Murphy with the Award for taking First Place in the 2004 Planning Implementation Category for the City of Villages Program. Mayor Murphy accepted the Award thanking everyone involved with the Program for their great efforts. Mayor Murphy recessed the meeting at 11:01 a.m. due to a disruption from a member of the public. The meeting was reconvened by Mayor Murphy at 11:08 a.m. with Deputy Mayor Zucchet and Council Member Inzunza not present. Mayor Murphy recessed the meeting at 11:31 a.m. to simultaneously convene the regular meeting with the Redevelopment Agency. Mayor Murphy reconvened the regular meeting at 11:36 a.m. with Deputy Mayor Zucchet and Council Member Inzunza not present. Mayor Murphy recessed the meeting at 12:00 p.m. to reconvene at 2:00 p.m.

The meeting was reconvened by Mayor Murphy at 2:08 p.m. with Council Member Peters and Deputy Mayor Zucchet not present. Mayor Murphy reconvened the regular meeting simultaneously with the Redevelopment Agency at 2:09 p.m. with Council Member Peters and Deputy Mayor Zucchet not present. Mayor Murphy recessed the meeting at 3:05 p.m. for the purpose of a break. Mayor Murphy reconvened the regular meeting simultaneously with the Redevelopment Agency at 3:08 p.m. with Deputy Mayor Zucchet not present. Mayor Murphy reconvened the regular meeting at 3:32 p.m. with Deputy Mayor Zucchet not present. Mayor Murphy recessed the meeting at 4:58 p.m. for the purpose of a break. Mayor Murphy reconvened the meeting at 5:06 p.m. with Deputy Mayor Zucchet, Council Member Atkins, Council Member Maienschein, and Council Member Inzunza not present. Mayor Murphy adjourned the meeting at 6:17 p.m. into Closed Session immediately following the regular meeting in the twelfth floor committee room to discuss existing and pending litigation matters.

ATTENDANCE DURING THE MEETING:

(M) Mayor Murphy-present

(1) Council Member Peters-present

- (2) Council Member Zucchet-not present
 - (3) Council Member Atkins-present
 - (4) Council Member Young-present
 - (5) Council Member Maienschein-present
 - (6) Council Member Frye-present
 - (7) Council Member Madaffer-present
 - (8) Council Member Inzunza-present
- Clerk-Maland (mc/g)

FILE LOCATION: MINUTES

ITEM-300: ROLL CALL

Clerk Maland called the roll:

- (M) Mayor Murphy-present
- (1) Council Member Peters-present
- (2) Council Member Zucchet-not present
- (3) Council Member Atkins-present
- (4) Council Member Young-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-present
- (8) Council Member Inzunza-not present

NON-AGENDA COMMENT:

PUBLIC COMMENT-1:

Comment by Steve Brown stating that on July 29, 2004, the City Council approved establishing a Sister City relationship between the City of San Diego and the City of Jalalabad, Afghanistan. Mr. Brown introduced five members from the City of Jalalabad visiting San Diego under the Sister Cities Program.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:31 a.m. – 10:35 a.m.)

PUBLIC COMMENT-2:

Comment by Henry Olivas suggesting that Council consider using volunteers rather than consultants to save money when making repairs to the buildings in Balboa Park. He also commented that the paint job that was started on the Balboa Club in 2002, has still not been completed.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:35 a.m. – 10:43 a.m.)

PUBLIC COMMENT-3:

Comment by Noel Neudeck stating that the City Attorney needs to ensure that the City is in compliance with the ADA requirements in Council Chambers as well as at offsite meetings.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:43 a.m. – 10:43 a.m.)

PUBLIC COMMENT-4:

Comment by Susan Rios regarding the issue of homelessness.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:43 a.m. – 10:45 a.m.)

PUBLIC COMMENT-5:

Comment by John Shiner regarding the Fairbanks Ranch Country Club's intention of welcoming all members and guests to their facilities.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:45 a.m. – 10:48 a.m.)

PUBLIC COMMENT-6:

Comment by Rohn Lockhardt, III with regard to his daughter, Savannah, being a victim of abuse and his disappointment in not receiving help from the Council.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:48 a.m. – 10:51 a.m.)

PUBLIC COMMENT-7:

Comment by Gregory Smith stating that a Construction Company is operating in his neighborhood that is in violation of the Municipal Code and stated that he still has not received the fact-finding that he requested.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:51 a.m. – 10:54 a.m.)

PUBLIC COMMENT-8:

Comment by Ron Boshun regarding Council's actions.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:54 a.m. – 10:58 a.m.)

PUBLIC COMMENT-9:

Comment by Sandy Summers regarding domestic terrorism.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:58 a.m. – 11:01 a.m.)

PUBLIC COMMENT-10:

Comment by James Hartline regarding the importance of protecting the children of San Diego and requested that Council investigate a youth event that is being held at Balboa Park that he feels is harmful to our children.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:11 a.m. – 11:14 a.m.)

PUBLIC COMMENT-11:

Comment by Joyceline Tarr regarding the last Mayoral Race.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:14 a.m. – 11:17 a.m.)

PUBLIC COMMENT-12:

Comment by Muhammed Abdullah regarding the September 11 attack on America and requested that the City Clerk provide the City Police Department and Fire Department with a copy of the “9/11 in Plain Sight” video.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:17 a.m. – 11:21 a.m.)

PUBLIC COMMENT-13:

Comment by Mel Shapiro regarding campaign contributions with regard to the upcoming special elections and suggested that the City’s television channel be used for campaign advertisements to save money.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:21 a.m. – 11:23 a.m.)

PUBLIC COMMENT-14:

Comment by Marvin Carpenter regarding his problems with Code Compliance and the use of wrongful information by City Planners.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:23 a.m. – 11:27 a.m.)

PUBLIC COMMENT-15:

Comment by Kathryn Burton stating that our elected officials and their actions should be held up to public scrutiny and also commented on statements being made about the City Attorney that she does not agree with.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:27 a.m. – 11:29 a.m.)

COUNCIL COMMENT:

None.

CITY MANAGER COMMENT:

None.

CITY ATTORNEY COMMENT:

None.



[ITEM-30:](#) Approval of Council Minutes.

TODAY'S ACTION IS: APPROVED

Approval of Council Minutes for the meetings of:

04/04/2005

04/05/2005

04/11/2005

04/12/2005

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 10:10 a.m. – 10:11 a.m.;
10:28 a.m. – 10:29 a.m.)

MOTION BY ATKINS TO APPROVE. Second by Peters. Passed by the following vote: Peters-yea, Zucchet-not present, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor Murphy-yea.

MOTION BY MADAFFER TO AMEND THE MINUTES OF APRIL 4, 2005, TO REFLECT THAT MAYOR MURPHY AND COUNCIL MEMBERS MAIENSCHIEIN AND MADDAFER VOTED NAY ON ITEM 122. Second by Maienschein. Passed by the following vote: Peters-yea, Zucchet-not present, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor Murphy-yea.

* ITEM-50: Wireless Communication Facilities.

(See City Manager Report CMR-05-043.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinances which were introduced on 3/1/2005, Item 336, Subitems A and B. (Council voted 9-0):

Subitem-A: (O-2005-100) ADOPTED AS ORDINANCE O-19369 (NEW SERIES)

Amending Chapter 14, Article 1, Division 4, of the San Diego Municipal Code by amending Section 141.0420 pertaining to Wireless Communication Facilities Regulations.

Subitem-B: (O-2005-105 Cor. Copy) ADOPTED AS ORDINANCE O-19370 (NEW SERIES)

Amending Chapter 2, Article 2, Division 9, of the San Diego Municipal Code by amending Section 22.0901 pertaining to the leasing of city-owned real property.

FILE LOCATION: Subitems A-B: MEET

COUNCIL ACTION: (Time duration: 10:23 a.m. – 10:24 a.m.)

CONSENT MOTION BY MADAFFER TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCES. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-not present, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor Murphy-yea.

* ITEM-51: **NOTE:** This item was inadvertently noticed for this meeting and is expected to be re-docketed for a Council meeting later this month.

* ITEM-52: Villa Paraiso Rezone, Located at 3840 Via de la Valle.

(District 1.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 4/19/2005, Item 333, Subitem A. (Council voted 9-0):

(O-2005-113) ADOPTED AS ORDINANCE O-19371 (NEW SERIES)

Changing 2.25 acres located at 3840 Via de la Valle, within the Planned Urbanizing area, in the City of San Diego, California, from the agricultural residential zone (AR-1-1 Zone) (previously referred to as the A-1-5 or A-1-10 zones) into the commercial office zone (CO-1-1 Zone) and the open space conservation zone (OC-1-1), as defined by San Diego Municipal Code Section 131.0504, and 131.0203.

FILE LOCATION: LUP – Villa Paraiso, 04/19/05 (65)

COUNCIL ACTION: (Time duration: 10:23 a.m. – 10:24 a.m.)

CONSENT MOTION BY MADAFFER TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-not present, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor Murphy-yea.

- * ITEM-53: Five actions related to Multiple School Joint Use Agreements Renewal with San Diego Unified School District.

(See City Manager Report CMR-05-088. La Jolla, Clairemont Mesa, Linda Vista, and College Community Areas. Districts 2, 6, and 7.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinances which were introduced on 4/18/2005, Item 52. (Council voted 9-0):

Subitem-A: (O-2005-89) ADOPTED AS ORDINANCE O-19372 (NEW SERIES)

Authorizing the City Manager to execute an agreement renewal with the San Diego Unified School District for turfed fields and recreational facilities at the Bird Rock Elementary School site, under the terms and conditions set forth in that agreement.

Subitem-B: (O-2005-90) ADOPTED AS ORDINANCE O-19373 (NEW SERIES)

Authorizing the City Manager to execute an agreement renewal with the San Diego Unified School District for turfed fields and recreational facilities at the Clay Elementary School site, under the terms and conditions set forth in that agreement.

Subitem-C: (O-2005-91) ADOPTED AS ORDINANCE O-19374 (NEW SERIES)

Authorizing the City Manager to execute an agreement renewal with the San Diego Unified School District for lighted fields and recreational facilities at the Field Elementary School site, under the terms and conditions set forth in that agreement.

Subitem-D: (O-2005-92) ADOPTED AS ORDINANCE O-19375 (NEW SERIES)

Authorizing the City Manager to execute an agreement renewal with the San Diego Unified School District for turfed fields, recreational facilities and parking lot at the Fletcher Elementary School site, under the terms and conditions set forth in that agreement.

Subitem-E: (O-2005-93) ADOPTED AS ORDINANCE O-19376 (NEW SERIES)

Authorizing the City Manager to execute an agreement renewal with the San Diego Unified School District for turfed fields and recreational facilities at the Hardy Elementary School site, under the terms and conditions set forth in that agreement.

Staff: Deborah Sharpe – (619) 525-8261
Shannon M. Thomas – Deputy City Attorney

NOTE: 6 votes required pursuant to Section 99 of the City Charter.

FILE LOCATION: Subitems A-E: MEET

COUNCIL ACTION: (Time duration: 10:23 a.m. – 10:24 a.m.)

CONSENT MOTION BY MADAFFER TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCES. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-not present, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor Murphy-yea.

* ITEM-54: **NOTE:** This item was inadvertently noticed for this meeting and is expected to be re-docketed for a Council meeting later this month.

* ITEM-100: Support Federal Funding for Sewage Infrastructure Repair to Stop Sewage Pollution.

(See memorandum from Andrew Poat of Governmental Relations Department dated 04/14/2005. Citywide. District 6.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2005-1064) ADOPTED AS RESOLUTION R-300366

Asking the House Appropriations Interior Subcommittee to restore traditional funding for the State Revolving Fund for sewage infrastructure repair so that San Diego will have funds for sewage infrastructure repair.

**RULES, FINANCE AND INTERGOVERNMENTAL RELATIONS COMMITTEE'S
RECOMMENDATION:**

On 4/20/2005, Rules voted 4 to 0 to approve. (Councilmembers Peters, Maienschein, Madaffer, and Mayor Murphy voted yea. Councilmember Zucchet not present.)

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:23 a.m. – 10:24 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-not present, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor Murphy-yea.

- * ITEM-101: City of San Diego Settlement Claim against PCL Civil Constructors Inc., regarding Construction Defects Discovered in the Rose Canyon Trunk Sewer Project.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-1045) ADOPTED AS RESOLUTION R-300367

Authorizing acceptance of \$4,950,000 in full settlement of the City's lawsuit against PCL Civil Constructors Inc., regarding construction defects discovered in the Rose Canyon Trunk Sewer Project further described in City's lawsuit titled City of San Diego v. PCL Civil Constructors Inc., San Diego Superior Court Case No. GIC 817014;

Authorizing the City Manager to execute an agreement with all parties related to the City's lawsuit;

Declaring said settlement proceeds shall be deposited into Sewer Revenue Fund No. 41506 for a new CIP to be created for the repair of the Rose Canyon Trunk Sewer.

CITY MANAGER SUPPORTING INFORMATION:

In closed session on March 14, 2005, the City Council approved the settlement of the claim of the City of San Diego vs. PCL Civil Constructors, Inc. The City will receive a payment of \$4,950,000 in full settlement of the City's lawsuit regarding construction defects discovered on the Rose Canyon Trunk Sewer Project, as further described in the City's lawsuit titled City of San Diego v. PCL Civil Constructors Inc., San Diego Superior Court Case No. GIC 817014. These funds will be used for the future repair of the Rose Canyon Trunk Sewer. This project will be included in the FY 2006 Final CIP Budget.

FISCAL IMPACT:

Settlement payment from PCL Civil Constructors, Inc. in the amount of \$4,950,000 will be deposited in Sewer Revenue Fund 41506. Funding will be used to establish a new project in the Final FY 2006 CIP Budget.

Mendes/Tulloch/AS

Staff: Michael McGuinness - (619) 533-5854
Michael R. McGuinness – Deputy City Attorney.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:23 a.m. – 10:24 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-not present, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor Murphy-yea.

ITEM-102: FY 2006 Annual Action Plan – Consolidated Plan.

(See San Diego Housing Commission Report HCR05-17 and City of San Diego Consolidated Plan.)

SAN DIEGO HOUSING COMMISSION'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-1065) CONTINUED TO TUESDAY, MAY 10, 2005

Approving the City's federally required Fiscal Year 2006 Annual Action Plan for Community Development, and authorizing the Chief Executive Officer of the Housing Commission to submit the Plan, on behalf of the City, to the U.S. Department of Housing and Urban Development for its review and approval.

NOTE: This is a companion item to the FY 2006 Community Development Block Grant (CDBG) Program Funding.

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 10:23 a.m. – 10:23 a.m.)

MOTION BY FRYE TO CONTINUE TO MAY 10, 2005 AT THE REQUEST OF THE CITY MANAGER FOR FURTHER REVIEW. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-not present, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor Murphy-yea.

* ITEM-103: Lease Agreement with Federal Aviation Administration (FAA) for Property Located at Mission Bay Ski Island.

(Mission Bay Community Area. District 6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-1067) ADOPTED AS RESOLUTION R-300368

Authorizing the City Manager to execute a new lease agreement with the FAA, for the purpose of maintaining the VORTAC air navigational device on Ski Island for the benefit of local air traffic, which lease will have a term beginning

October 1, 2001, and ending September 20, 2005, with the additional right, at the FAA's option, to renew the lease annually on a year-to-year basis, provided that no renewal shall extend beyond September 30, 2021;

Declaring consideration for the lease is the FAA's operation and maintenance of the VORTAC facility and its benefits to the City and regional airport air traffic safety. The FAA has paid the City of San Diego's \$3,970 processing fee for the new lease agreement.

CITY MANAGER SUPPORTING INFORMATION:

Under terms of a prior lease agreement with the City the Federal Aviation Administration (FAA) installed a VORTAC air navigational device on the man made island in Mission Bay known as Ski Island in 1961. Since then the FAA has been continuously maintaining it for the benefit of local air traffic. The VORTAC is a vital part of the area's air navigational system and serves Montgomery Field, Brown Field, Lindbergh Field, and all airports in the region.

The FAA has requested a new lease with the City with an initial term beginning October 1, 2001, and ending September 30, 2005, with the option to renew it annually on a year-to-year basis that shall not extend beyond September 30, 2021.

A preliminary review by the Real Estate Assets Acquisition and Valuation division estimates market rent for the site to be approximately \$24,000 per year.

Consideration for the proposed lease is the operation and maintenance of the VORTAC facility and its benefits to City and regional airport air traffic safety. Section 47107(a)(12) of Title 49 United States Code provides that "the airport owner or operator will provide, without cost to the Government, property interests of the sponsor in land or water areas or buildings that the Secretary decides are desirable for, or that will be used for, constructing at Government expense, facilities for carrying out activities related to air traffic control or navigation." The FAA has paid the processing fee for the Lease Agreement.

Term: Four years with sixteen one year options to renew

Rent: None

Size: Approximately 1.95 acres

FISCAL IMPACT:

\$3,970 processing fee deposited into General Fund.

Herring/Griffith/KJ

Staff: Kristin Johnson – (619) 236-7031
Debra J. Bevier – Deputy City Attorney

FILE LOCATION: LEAS – Federal Aviation Administration (FAA)

COUNCIL ACTION: (Time duration: 10:23 a.m. – 10:24 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-not present, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor Murphy-yea.

* ITEM-104: Contribution Agreement with Caltrans for Improvements on Interstate 15.

(Rancho Bernardo, Carmel Mountain Ranch, and Rancho Penasquitos
Community Areas. Districts 1 and 5.)

CITY MANAGER’S RECOMMENDATION:

Adopt the following resolution:

(R-2005-997) ADOPTED AS RESOLUTION R-300369

Authorizing the City Manager to execute, for and on behalf of the City of San Diego, an agreement with the California Department of Transportation (Caltrans), whereby the City is to contribute to Caltrans an amount not to exceed \$3,263,285 under the terms and conditions set forth in the Contribution Agreement No. 11-0615, for the construction of auxiliary lanes on Interstate 15;

Authorizing the City Auditor and Comptroller to establish an interest-bearing fund, Fund 63016, Developers' Deposits – Caltrans;

Authorizing the City Auditor and Comptroller to accept the amount of \$801,782 from Starwood Development and to deposit said amount into CIP-52-748.0, Auxiliary Lanes on I-15 in Rancho Bernardo and Carmel Mountain Ranch, Fund 63016, Developers' Deposits – Caltrans;

Amending the Fiscal Year 2005 Capital Improvements Program Budget by adding CIP-52-748.0, Auxiliary Lanes on I-15 in Rancho Bernardo and Carmel Mountain Ranch;

Amending the Fiscal Year 2005 Capital Improvements Program Budget for CIP-52-748.0, Auxiliary Lanes on I-15 in Rancho Bernardo and Carmel Mountain Ranch, by increasing the budget by \$3,236,285;

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$3,263,285 from CIP-52-748.0, Auxiliary Lanes on I-15 in Rancho Bernardo and Carmel Mountain Ranch as follows: \$801,782 in Fund 63016, Developers' Deposits - Caltrans; \$1,355,198 in Fund 10603, Carmel Mountain Ranch I-15/SA680 Contribution; \$959,461 in Fund 10586, Bernardo Center Drive Interchange; and \$146,844 in Fund 63022, I-15 Improvements (Starwood Development and Santa Fe Valley Partners), for the purpose of contributing to the construction of improvements on Interstate 15, provided that the City Auditor and Comptroller has first certified that said funds are on deposit in the City Treasury;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess funds, if any, to the appropriate reserves.

CITY MANAGER SUPPORTING INFORMATION:

Caltrans is currently constructing managed lanes on Interstate 15 between State Route 56 and Via Rancho Parkway in Escondido. The City would like Caltrans to include the construction of auxiliary lanes at three locations as part of the larger project. These locations are: Carmel Mountain Road to Camino del Norte (two northbound lanes); Bernardo Center Drive to Rancho Bernardo Road (two northbound lanes); and Bernardo Center Drive to Camino del Norte (one southbound lane). Caltrans has agreed to include these auxiliary lane improvements as part of their larger project.

FISCAL IMPACT:

Funding for the I-15 Auxiliary Lanes in the amount of \$3,263,285 is available from the following funding sources:

- \$1,355,198 in Fund 10603, Carmel Mountain Ranch-I-15/SA680 contribution
- \$959,461 in Fund 10586, Bernardo Center Drive Interchange
- \$146,844 in Fund 63022, I-15 Improvements (Starwood Development and Santa Fe Valley Partners), \$801,782 in Fund 63016, Developers' Deposit – Caltrans

These funds will be appropriated and expended from CIP-52-748.0, Auxiliary Lanes on I-15 in Rancho Bernardo and Carmel Mountain Ranch.

Mendes/Boekamp/DZ

Aud. Cert. 2500847.

Staff: Dave Zoumaras – (619) 533-3138
Jeremy A. Jung – Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:23 a.m. – 10:24 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-not present, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor Murphy-yea.

* ITEM-105: Amended Freeway Agreement for Interstate 8 with the State of California for Waring Road to La Mesa City Limit.

(College and Navajo Community Areas. District 7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-811) ADOPTED AS RESOLUTION R-300370

Authorizing the City Manager to execute an amended Freeway Agreement with the State of California, regarding Interstate 8 from west of Waring Road to the La Mesa city limit, under the terms and conditions set forth in the Agreement, together with any reasonably necessary modifications or amendments thereto which do not increase project scope or cost and which the City Manager shall deem necessary from time to time in order to carry out the purposes and intent of this project and agreement;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess funds, if any, to the appropriate reserves.

CITY MANAGER SUPPORTING INFORMATION:

In 1957, the City and the State entered into a Freeway Agreement for Interstate 8 from Fairmount Avenue to the La Mesa city limit.

As a result of the construction of the Mission Valley East trolley line, the segment of Interstate 8 from west of the Waring Road interchange to the La Mesa city limit (just west of the 70th Street interchange) has been modified. In addition, the State has either realigned or constructed portions of Alvarado Canyon Road and Waring Road as a part of this project.

An amended Freeway Agreement is required in order for the State to relinquish the reconfigured streets to the City. As part of this amended Freeway Agreement, the City accepts responsibility for control and maintenance of the new City streets.

A separate agreement to approve the actual relinquishment will follow.

FISCAL IMPACT:

Fiscal impact is minimal. Funds are budgeted within the General Services Department, Street Division's operating funds for this purpose.

Mendes/Boekamp/LVW

Staff: Larry Van Wey – (619) 533-3005
John F. Kirk – Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:23 a.m. – 10:24 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-not present, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor Murphy-yea.

* ITEM-106: Cooperative Agreement for Relinquishment of State Right of Way Adjacent to Interstate 8.

(College and Navajo Community Areas. District 7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-1010) ADOPTED AS RESOLUTION R-300371

Authorizing the City Manager to execute an agreement with the California Department of Transportation (Caltrans) for the relinquishment by the State of California of four portions of right of way along Alvarado Canyon Road, Alvarado Creek Bridge, and Alvarado Road, under the terms and conditions set forth in Cooperative Agreement No. 11-8225.

CITY MANAGER SUPPORTING INFORMATION:

As part of the construction of the Mission Valley East trolley line, portions of Alvarado Road and Alvarado Canyon Road were realigned or constructed within State right of way adjacent to Interstate 8. In addition, a new bridge over Alvarado Creek was built. Because these facilities will be City streets once the project has been completed, the State must relinquish them to the City, with the City accepting responsibility for control and maintenance of all new facilities within the relinquishment area.

This action will accept the relinquishment of four portions of State right of way that were used in the realignment of or construction of Alvarado Road, Alvarado Canyon Road, and the Alvarado Creek bridge.

FISCAL IMPACT:

Fiscal impact is minimal. Funds are budgeted within the General Services Department, Street Division's operating fund for this purpose.

Mendes/Boekamp/LVW

Staff: Larry Van Wey – (619) 533-3005

Jeremy A. Jung – Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:23 a.m. – 10:24 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-not present, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor Murphy-yea.

- * ITEM-107: Grant Application to the San Diego Association of Governments (SANDAG) for FY 2006 Transportation Development Act (TDA) Grant Funding for the Development of the Citywide Pedestrian Master Plan – Phase 2.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-1018) ADOPTED AS RESOLUTION R-300372

Authorizing the City Manager, or designee, to submit an application, on behalf of the City, for FY 2006 Transportation Development Act (TDA) grant funding for the development of the Citywide Pedestrian Master Plan - Phase 2;

Authorizing the City Manager, or designee, to take all necessary actions to secure funds from SANDAG for the Project;

Authorizing the City Auditor and Comptroller to accept, appropriate, and expend funds if the Transportation Development Act grant is secured;

Authorizing the City Auditor and Comptroller to establish a separate interest-bearing account.

CITY MANAGER SUPPORTING INFORMATION:

The City of San Diego is requesting \$150,000 of Fiscal Year 2006 Transportation Development Act (TDA) grant funding required for the development of Phase 2 of a Citywide Pedestrian Master Plan. Grant funding will be requested from the San Diego Association of Governments (SANDAG) as the regional administrator of the TDA claims program. This funding source is competitive.

The City was successful in obtaining \$150,000 of FY 2005 TDA grant funds for Phase 1 of the Pedestrian Master Plan, which is currently underway. When complete, Phase 1 will contain the technical methods, existing conditions data, and public outreach plan for developing the Plan, as well as the initial development of the Plan in at least one community planning area. Our consultant will work with the Project Working Group to develop criteria and weighting factors for the community prioritization and selection process. Criteria will include, but not be limited to, employment density, population density, number of pedestrian activity areas, pilot village locations, and pedestrian accident data.

We will rely on input from a citywide public open house, CPC, the Planning Commission, and City Council, to fine-tune and finalize the criteria. Phase 2 and subsequent phases of the Pedestrian Master Plan will continue to develop the Plan in additional community planning areas throughout the City.

The purpose of the Pedestrian Master Plan is to identify routes to pedestrian activity centers and pedestrian improvement projects along the routes throughout the City based on community input and technical analysis. Pedestrian activity centers include: schools, transit stations and stops, commercial and mixed-use areas, senior centers, libraries, recreation centers, and parks. The identified pedestrian improvement projects will be prioritized from short to long-term. City staff and the project consultant will conduct meetings and workshops with each community planning group throughout the City as the Plan is developed. The Pedestrian Master Plan will be a key resource for the City in securing grant funding needed to implement pedestrian infrastructure improvement projects that promote the General Plan pedestrian safety, walkability, mobility, accessibility, and neighborhood quality goals.

FISCAL IMPACT:

No fiscal impact. If approved, the City would receive up to \$150,000 in grant funding. Matching funds are not required for the grant.

Ewell/Goldberg/SH/MG

Staff: Samir Hajjiri – (619) 533-4546
David Miller – Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:23 a.m. – 10:24 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-not present, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor Murphy-yea.

- * ITEM-108: Grant Application to State of California Office of Emergency Services for Seismic Retrofit of Water Transmission Pipelines.

(Mid-Town, Mission Hills, Old Town, Little Italy, Pacific Beach, Bay Park, Serra Mesa, Mission Valley East, Kearny Mesa, Tierrasanta, Grantville, and Barrio Logan, Community Areas. Districts 2, 6, 7, and 8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-1092) ADOPTED AS RESOLUTION R-300373

Authorizing the City Manager to make an application to the State of California Governor's Office of Emergency Services (OES) for the purpose of obtaining certain federal financial assistance under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act), 42 C.S.C. 5133, as amended by the Disaster Mitigation Act of 2000 (DMA) for seismic retrofit of water transmission pipelines;

Authorizing the City Manager, or designee, to take all necessary actions to secure funds from the OES for seismic retrofit of water transmission pipelines, which includes providing OES all matters pertaining to such disaster assistance as the grant assurances and agreements require;

Amending the Fiscal Year 2005 Capital Improvements Program Budget by adding Water Fund 41500, CIP-73-910.0, Annual Allocation Seismic Upgrades to the Fiscal Year 2005 Water Department Capital Improvement Program;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$1,000,000 from Water Fund 41500, CIP-75-931.0, Water Department Security Upgrades to Water 41500, CIP-73-910.0, Annual Allocation Seismic Upgrades;

Authorizing the expenditure of an amount not to exceed \$1,000,000 from Water Fund 41500, CIP-73-910.0, Annual Allocation Seismic Upgrades, for the purpose of planning and implementing seismic retrofits of water mains, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller upon advice from the administering department, to transfer excess funds, if any, to the appropriate reserves.

CITY MANAGER SUPPORTING INFORMATION:

This action authorizes the City Manager or his representative to apply for funding for program costs to plan and implement seismic retrofits to selected large diameter pipelines.

A large earthquake event could rupture major water lines and adversely affect the ability to fight fires during the critical period closely following the event. Rapid restoration of water service is also a key factor in economic recovery. The Seismic Vulnerability Study (May, 2001) identified a number of large diameter pipelines that cross active faults and liquefaction zones. These include six critical large diameter pipelines that cross the active Rose Canyon fault that serve the coastal communities of Mid Town, Mission Hills, Old Town, Little Italy, Pacific Beach, Bay Park, and Barrio Logan. Six transmission mains crossing liquefiable soils located in Serra Mesa, Mission Valley East, Kearny Mesa, Tierrasanta, and Grantville are identified for improvement. For each of the locations, a retrofit will be developed to support rapid restoration of water service to these areas.

The FY 2005 Pre Disaster Mitigation Grant Program (PDM 05) is a nation-wide competitive grant program. The FY 2005 program has \$255 million available for the Federal share (75%) of approved mitigation projects based on favorable cost benefit analysis with a maximum of \$3 million available for each project. The program objective is to reduce overall risks to the population and to reduce or avoid costs of disaster-related damage to the public infrastructure of eligible jurisdictions. The City of San Diego is an eligible jurisdiction and seismic retrofit of critical water systems is an eligible project in accordance with the PDM 05 guidance.

FISCAL IMPACT:

FEMA PDM grants are provided on a cost-share basis of 75 percent Federal share and 25 percent non-federal share. The total estimated cost of this request is \$1 million for the City's 25 percent share. Funding is available in Water Utility Revenue Fund, Fund 41500. This action is not contingent on a future bond issuance. Environmental Impact: Subsequent projects will be required to undergo full CEQA review prior to approval of construction bid documents.

Arellano/Ghio/WFN

Aud. Cert. 2500910.

Staff: Mike Conner - (619) 533-7484
John F. Kirk – Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:23 a.m. – 10:24 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-not present, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor Murphy-yea.

* ITEM-109: Sewer Easement Vacation in Lots 17, 18, and 19, Block 2 of Nicholson's Addition Map No. 952.

(La Jolla Community Area. District 1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-1012) ADOPTED AS RESOLUTION R-300374

Vacating the sewer easement located within Lots 17, 18, and 19, Block 2 of Nicholson's Addition Map No. 952 as shown on Drawing No. 20153-B, to unencumber this property and facilitate development of the site under the procedure for the summary vacation of public service easements, Section 8330 et seq., of the California Streets and Highways Code, and Section 125.1001 et seq., of the San Diego Municipal Code.

CITY MANAGER SUPPORTING INFORMATION:

City Council action is requested to vacate an unneeded sewer easement in Lots 17, 18 and 19, Block 2 of Nicholson's Addition Map No. 952 as shown on Engineering Drawing No. 20153-B. This site is located in the La Jolla Community Plan area, northwesterly of Pearl Street and Olivetas Avenue in Council District 1.

The sewer easement being vacated was acquired in 1949 at no cost to the City, and the City has no fee interest. The property, White Sands of La Jolla, is being redeveloped. The existing sewer system, on private property, is being replaced with a direct connection to the sewer in the street, making the existing easement unnecessary.

Staff has reviewed and recommends approval of this action.

FISCAL IMPACT:

None.

Frazier/Halbert/GRB

Staff: Gerri Bollenbach – (619) 446-5417
John C. Hemmerling – Deputy City Attorney

FILE LOCATION: DEED F-9909

COUNCIL ACTION: (Time duration: 10:23 a.m. – 10:24 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-not present, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor Murphy-yea.

* ITEM-110: Closing an Alley South of Boston Avenue between South 37th Street and South 38th Street.

(Southeastern San Diego Community Area. District 8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-983) ADOPTED AS RESOLUTION R-300375

Authorizing the City Manager to close to vehicular traffic the portion of the Alley parallel to and south of Boston Avenue between South 37th Street and South 38th Street, as shown on Exhibit A.

CITY MANAGER SUPPORTING INFORMATION:

This action will authorize the City Manager to close to vehicular traffic a portion of the alley parallel to and south of Boston Avenue between South 37th Street and South 38th Street. The City Council is authorized to close a roadway that divides a school ground, according to California Vehicle Code Section 21102. The campus of St. Jude Academy occupies both sides of the portion of the alley proposed for closure. The closure will improve safety for school children who cross the alley on a daily basis. St. Jude Academy officials indicated that they have notified owners of all affected properties of the proposed alley closure. The closure is supported by a petition signed by 91 % of affected property owners, and it will not preclude access to their homes since only a portion of the alley is to be closed. The Southeast San Diego Community Planning Committee voted to support the closure in their meeting on June 14, 2004.

FISCAL IMPACT:

\$3,434. Funds are available in the Street Division for this purpose.

Mendes/Boekamp/DVW

Aud. Cert. 2500839.

Staff: Deborah Van Wanseele – (619) 533-3012
Tim Miller – Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:23 a.m. – 10:24 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-not present, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor Murphy-yea.

* ITEM-111: Reappointments to the Community Forest Advisory Board.

(See memorandum from Mayor Murphy dated 4/12/2005, with resumes attached, and memorandum from Councilmember Frye dated 4/11/2005.)

MAYOR MURPHY'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-1071) ADOPTED AS RESOLUTION R-300376

Council confirmation of the following reappointments by the Mayor of the City of San Diego, to serve as members of the Community Forest Advisory Board, for terms ending as indicated, representing categories as indicated:

<u>NAME</u>	<u>TERM ENDING</u>	<u>CATEGORY</u>
Nancy J. Hughes (Encinitas)	December 31, 2007	Chair
Mary J. Johnson (Mission Village -District 6)	December 31, 2007	District 6 Representative

Stating that pursuant to Council Policy 000-13, for purposes of deliberation and consideration of appointment, it is determined that Nancy J. Hughes is a resident of San Diego County, but not the City of San Diego, and has unique qualifications to serve as a member of the Board, therefore, a conscious exception to Council Policy 000-13 is hereby declared.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:23 a.m. – 10:24 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-not present, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor Murphy-yea.



* [ITEM-112:](#) Appointments and Reappointments to the International Affairs Board.

(See memorandum from Mayor Murphy dated 4/13/2005, with resumes attached, and memorandum from Councilmember Peters dated 3/23/2005.)

MAYOR MURPHY'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-1088) ADOPTED AS RESOLUTION R-300377

Confirming the following reappointments and appointments by the Mayor of the City of San Diego, to serve as members of the International Affairs Board, for terms expiring on March 1, 2007:

Reappointments:

Joseph J. Darby (La Jolla, District 1)

Wendy Gillespie (Point Loma, District 2)

Young Kim (Clairemont, District 6)

Feraidoon (Fred) Raafat (Carmel Valley, District 1)

Anthony D. Samson (Bankers Hill, District 3)

Appointments:

Hsin-Chieh Joe Chou (Rancho Bernardo, District 5)
(Replacing Jeffrey S. Lowe, whose term expired.)

Renee M. Kilmer (Mission Hills, District 2)
(Replacing Jacqueline S. Corey, whose term expired.)

Edward J. G. Mracek (La Jolla, District 1)
(Replacing Gwen K. Young, whose term expired.)

Patricia E. Reeve (Scripps Ranch, District 5)
(Replacing Linda Bejarano Stepp, whose term expired.)

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:23 a.m. – 10:24 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-not present, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor Murphy-yea.

* ITEM-113: Earth Day.

COUNCILMEMBER FRYE'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-1094) ADOPTED AS RESOLUTION R-300378

Proclaiming April 22, 2005, to be "Earth Day" in the City of San Diego, and urging all citizens to recognize the importance of this opportunity which will provide us with a special occasion to renew our commitment to protect our home: Earth.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:23 a.m. – 10:24 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-not present, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor Murphy-yea.

* ITEM-114: Declaring a Continued State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico.

(District 8.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2005-806) ADOPTED AS RESOLUTION R-300379

Declaring a Continued State of Emergency regarding the discharge of raw sewage from Tijuana, Mexico.

FILE LOCATION: GEN'L – State of Emergency Regarding the Discharge
of Raw Sewage from Tijuana, Mexico

COUNCIL ACTION: (Time duration: 10:23 a.m. – 10:24 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-not present, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor Murphy-yea.

ITEM-115: Declaring a Continued Local Health Emergency Due to the Spread of the Hepatitis C Virus and the Human Immunodeficiency Virus (HIV).

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2005-1076) ADOPTED AS RESOLUTION R-300390

Declaring a Continued Local Health Emergency due to the spread of the Hepatitis C Virus and the Human Immunodeficiency Virus (HIV) for the purpose of implementing a one-year clean needle and syringe exchange program.

CITY MANAGER SUPPORTING INFORMATION:

California Health and Safety Code section 11364.7 (effective January 1, 2000) acknowledges the public health threat posed by the sharing of needles and syringes by injection drug users. The Code requires a local jurisdiction to declare a local emergency due to the existence of a critical local public health crisis in order to establish a clean needle and syringe exchange program. In order to permit development and implementation of a pilot clean needle and syringe exchange program, today's action continues the state of emergency first declared by the City Council on November 27, 2001.

FILE LOCATION: GEN'L – Local Health Emergency Due to the Spread of the Hepatitis C Virus and the Human Immunodeficiency Virus (HIV)

COUNCIL ACTION: (Time duration: 3:32 p.m. – 3:32 p.m.)

MOTION BY ATKINS TO ADOPT. Second by Young. Passed by the following vote: Peters-yea, Zucchet-not present, Atkins-yea, Young-yea, Maienschein-nay, Frye-yea, Madaffer-nay, Inzunza-yea, Mayor Murphy-nay.

- * ITEM-116: Declaring a Continued State of Emergency Due to Severe Shortage of Affordable Housing in the City.

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2005-593) ADOPTED AS RESOLUTION R-300380

Declaring a Continued State of Emergency Due to Severe Shortage of Affordable Housing in the City of San Diego.

FILE LOCATION: GEN'L – State of Emergency Due to Severe Shortage
of Affordable Housing in the City of
San Diego

COUNCIL ACTION: (Time duration: 10:23 a.m. – 10:24 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-not present, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor Murphy-yea.

- * ITEM-117: Professional Investigators of California (PICA) Licensed Private Investigator Unity Day.

DEPUTY MAYOR ZUCCHET'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-1062) ADOPTED AS RESOLUTION R-300381

Recognizing and commending the exceptional contributions that California Licensed Private Investigators have made to the San Diego region;

Proclaiming April 7, 2005, to be "Professional Investigators of California (PICA) Licensed Private Investigator Unity Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:23 a.m. – 10:24 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-not present, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor Murphy-yea.

* ITEM-118: Mission Bay Rotary Club's 50th Anniversary Day.

DEPUTY MAYOR ZUCCHET'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-1089) ADOPTED AS RESOLUTION R-300382

Acknowledging and applauding the special contributions and commitment of the Mission Bay Rotary Club on the occasion of its 50th Anniversary;

Proclaiming April 23, 2005, to be "Mission Bay Rotary Club's 50th Anniversary Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:23 a.m. – 10:24 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-not present, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor Murphy-yea.



ITEM-200: Special Hearing - FY 2006 Community Development Block Grant (CDBG) Program Funding.

(See memorandum from P. Lamont Ewell dated 4/19/2005.)

The purpose of this special hearing is to receive public testimony on requests for Fiscal Year 2006 Community Development Block Grant Program funding allocations.

The special hearing will be closed at the end of public testimony. The resolution in Subitem-B will be continued to May 10, 2005, for Council discussion and decisions regarding the distribution of available funds.

CITY MANAGER'S RECOMMENDATION:

Hold the public hearing in Subitem A, close the hearing at the conclusion of public testimony; and continue Subitem B to May 10, 2005:

Subitem-A: HEARING HELD; PUBLIC TESTIMONY PORTION OF THE HEARING
CLOSED

Special Hearing - FY 2006 Community Development Block Grant (CDBG)
Program Funding.

Public Testimony will be heard in the following order:

1 - CDBG Applications 1-161 in the order in which they are numbered.

2 - Other Testimony.

Subitem-B: (R-2005-1081 Cor Copy) CONTINUED TO TUESDAY, MAY 10, 2005

NOTE: Subitem B will be continued to May 10, 2005, at the conclusion of today's public hearing.

Approving and appropriating the funding allocations for the FY2006 CDBG Program, contingent upon certification of funds availability by the City Auditor and Comptroller, and that those projects funded are to be incorporated into the City's Fiscal Year 2006 CDBG Action Plan;

Authorizing the City Manager to ~~submit~~ execute the Fiscal Year 2006 Action Plan for San Diego Housing Commission submittal to the United States Department of Housing and Urban Development, and upon its acceptance, to execute a grant

agreement for Federal Fiscal Year 2005 CDBG, Emergency Shelter Grant (ESG), Housing Opportunities for People with AIDS (HOPWA), Home Investment Partnership (HOME), and American Dream Downpayment Initiative (ADDI) funds;

Authorizing the City Manager to negotiate and execute agreements with all programs approved for funding, contingent upon certification of funds availability by the City Auditor and Comptroller.

Authorizing the City Auditor and Comptroller to re-program funding from prior year CDBG funded projects to Fiscal Year 2006 projects, as adopted by the City Council, contingent upon certification of funds availability by the City Auditor and Comptroller;

Authorizing the Executive Director of the San Diego Housing Commission to negotiate and execute agreements with all funded programs whose allocations the City Manager asks the San Diego Housing Commission to administer, contingent upon certification of funds availability by the City Auditor and Comptroller;

Authorizing the City Manager to suspend the initiation of new HUD Section 108 Loans that rely on CDBG as a repayment source during Fiscal Year 2006.

CITY MANAGER SUPPORTING INFORMATION:

The purpose of the public hearing is to hear testimony on the FY 2006 Community Development Block Grant (CDBG) program. There are 161 CDBG applications. Each CDBG application has been assigned a number and the applicant will be invited to testify in numerical order. At the conclusion of the CDBG testimony, general program and other comments will be heard. The hearing will then be closed and the remainder of the item (subitem B) will be continued to May 10, 2005, at which time Council discussion and funding decisions will occur.

FISCAL IMPACT:

Funds are available from the Community Development Block Grant Program to cover the costs of these programs.

Frazier/Cunningham/ACP

Staff: Anita C. Pyle – (619) 236-6944
Michael D. Neumeyer – Deputy City Attorney

FILE LOCATION: Subitem A: MEET; Subitem B: NONE

COUNCIL ACTION: (Time duration: 3:34 p.m. – 6:17 p.m.)

MOTION BY COMMON CONSENT TO HOLD THE PUBLIC HEARING IN SUBITEM A, CLOSE THE HEARING AT THE CONCLUSION OF PUBLIC TESTIMONY; AND CONTINUE SUBITEM B TO TUESDAY, MAY 10, 2005. Passed by the following vote: Peters-yea, Zucchet-not present, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-250: **Notice** of Pending Final Map Approval – 3815 Third Avenue.

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled “3815 Third Avenue” (T.M. No. 119133/PTS No. 61807), located northeasterly of Third Avenue and Robinson Avenue in the Uptown Community Plan Area in Council District 3, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

- (1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.
- (2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.
- (3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this Notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the approval findings or need additional information about the map or your appeal rights, please feel free to contact Deputy City Engineer Lee Hennes at (619) 446-5291.

ITEM-251: Notice of Pending Final Map Approval – 4466 48th Street.

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled “4466 48th Street” (T.M. No. 26879/PTS No. 57086), located northwesterly of 48th Street and El Cajon Boulevard in the Mid City: Kensington-Talmadge Community Plan Area in Council District 3, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

- (1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.
- (2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.
- (3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this Notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the approval findings or need additional information about the map or your appeal rights, please feel free to contact Deputy City Engineer Lee Hennes at (619) 446-5291.

ITEM-252: Notice of Pending Final Map Approval – 4548 Hawley Boulevard.

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled “4548 Hawley Boulevard” (T.M. No. 72707/PTS No. 60265), located northwesterly of Monroe Avenue and Hawley Boulevard in the Mid-City: Normal Heights Community Plan Area in Council District 3, a copy of which is available for

public viewing at the Office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

- (1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.
- (2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.
- (3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this Notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the approval findings or need additional information about the map or your appeal rights, please feel free to contact Deputy City Engineer Lee Hennes at (619) 446-5291.

ITEM-253: Notice of Pending Final Map Approval – 1756 Essex Street.

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled “1756 Essex Street” (T.M. No. 119329/PTS No. 52445), located northwesterly of Essex Street and Park Boulevard in the Uptown Community Plan Area in Council District 3, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

- (1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.

(2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.

(3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this Notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the approval findings or need additional information about the map or your appeal rights, please feel free to contact Deputy City Engineer Lee Hennes at (619) 446-5291.

ITEM-330: Two actions related to Rancho Bernardo Maintenance Assessment District.

(Rancho Bernardo Community Area. District 5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2005-846) CONTINUED TO TUESDAY, MAY 10, 2005

Approving Fiscal Year 2006 Budget for the Rancho Bernardo Maintenance Assessment District.

Subitem-B: (R-2005-847) CONTINUED TO TUESDAY, MAY 10, 2005

Considering the protests, approving Engineer's Report, confirming the assessments, and ordering the proposed maintenance, in the matter of the Rancho Bernardo Maintenance Assessment District.

CITY MANAGER SUPPORTING INFORMATION:

This action will increase the Fiscal Year 2006 assessments for the Rancho Bernardo Maintenance Assessment District (District). The District is located in the Rancho Bernardo Community Planning Area. It was established in July 1983 and was balloted for Proposition 218 compliance in 1997, and was balloted again in June-July 2004 to increase assessments for existing and proposed new maintenance areas. The June-July 2004 ballot failed by a margin of 51% opposed and 49% in favor. The Rancho Bernardo Maintenance Assessment District Citizens Advisory Committee initially decided to maintain service levels by drawing down reserves, while evaluating whether to ballot again. In October 2004, the Advisory Committee voted to reduce service levels to keep expenditures within revenues. In December 2004, the Advisory Community voted to ballot the District again. Per Resolution R-290239, since the District only failed by 2%, it is eligible for balloting again within one year of vote tabulation. This second ballot protest procedure would allow for a vote of property owners whether to: (1) raise the annual assessment per Equivalent Benefit Unit (EBU) from \$7.21 to \$15.00 in Fiscal Year 2006, (2) incorporate new areas into the district, and (3) authorize a cost indexing factor of an amount not to exceed San Diego CPI-U plus 3%. The purpose is to increase income sufficiently to cover the current service level, maintain a minimum 10% operating reserve, and fund small planting projects and their future maintenance through the assessment of property owners.

This District would provide maintenance for lands for landscaped medians, median tree up-lighting, hardscaped medians, median sweeping, landscaped rights-of-way, and hardscaped rights-of-way.

	<u>FY 2006</u>	<u>Maximum Authorized</u>
<u>EXPENSES:</u>		
Personnel	\$36,993	\$36,993
Contract	\$251,961	\$308,816
Incidentals	\$60,491	\$74,541
Energy and Utilities	<u>\$21,943</u>	<u>\$29,094</u>
TOTAL EXPENSES	\$371,388	\$449,444
<u>REVENUES:</u>		
Assessments	\$364,424	\$449,505
City Contributions-Gas Tax	\$33,872	\$33,872
Interest	<u>\$5,000</u>	<u>\$5,000</u>

TOTAL REVENUES	\$403,296	\$488,377
RESERVES	\$31,908	\$38,933

The proposed property owner assessment for Fiscal Year 2006 is \$15.00 per EBU. A maximum assessment authorized for Zone 1 of the District is \$18.50 per EBU. Zone 1 of the District contains a total of 24,294.81 EBUs. Zone 2 is not assessed.

FISCAL IMPACT:

It is proposed that the City will contribute \$33,872 from the Gas Tax Fund 302191 for the City's share of expenses incurred for maintenance of street medians comparable to similar areas throughout the City. All other costs are assessed to property owners in the District. The City owns 12 assessable parcels in the district, resulting in a General Fund assessment in Fiscal Year 2006 of \$1,933. The fiscal impact to the City is the same as it was when the ballot failed in June-July 2004.

Herring/Oppenheim/AWF

Staff: Mauro Garcia – (619) 685-1350

FILE LOCATION: Subitems A-B: STRT - M-400 (34)

COUNCIL ACTION: (Time duration: 11:29 a.m. – 11:31 a.m.)

Mayor Murphy opened and closed the hearing and directed the City Clerk to tabulate the ballots.

MOTION BY MAIENSCHIN TO CONTINUE THE ITEM TO MAY 10, 2005 FOR THE CITY CLERK TO RETURN AT THAT TIME WITH THE BALLOT RESULTS. Second by Peters. Passed by the following vote: Peters-yea, Zucchet-not present, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor Murphy-yea.

ITEM-331: Two actions related to City Heights Square Office and Retail Project Disposition and Development Agreement.

(See Redevelopment Agency Report RA-05-10/CMR-05-094. City Heights Community Area. District 3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2005-1058) ADOPTED AS RESOLUTION R-300383

Recognizing that the City Council has received and heard all oral and written objections to the proposed Agreement to the proposed sale of the real property pursuant thereto, and to other matters pertaining to this transaction, and that all the oral and written objections are hereby overruled;

Finding and determining that the sale of the real property for the City Heights Square Office and Retail Project (Development) as described in the Agreement will assist in the elimination of blight;

Finding and determining that the consideration to be paid by the San Diego Revitalization Corporation (Developer) for the purchase of the real property for the Development is not less than fair market value of the property at its highest and best use in accordance with the Redevelopment Plan. The Agency further finds and determines that all consideration to be paid under the Agreement is in an amount necessary to effectuate the purposes of the Redevelopment Plan for the Project Area;

Approving the sale of the real property and the Agreement which establishes the terms and conditions for the sale and improvement of the real property;

Authorizing the City Clerk to deliver a copy of this resolution to the Executive Director and members of the Agency.

Subitem-B: (R-2005-1057) ADOPTED AS RESOLUTION R-300384

Declaring the Council is aware that the Redevelopment Agency of the City of San Diego has previously certified the information contained in the Mitigated Negative Declaration (MND) No. 49060 (Mitigated Negative Declaration), and in reliance on such certification, certifies that the information contained in the Mitigated Negative Declaration, on file in the Office of the City Clerk, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code Section 21000 et seq.), as amended, and the

State guidelines thereto (California Code of Regulations Section 15000 et seq.), that the declaration reflects the independent judgment of the Council as Responsible Agency and that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by the Council in connection with the approval of the DDA for the City Heights Square Project;

Declaring the Council finds that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study and therefore, approving the Mitigated Negative Declaration;

Adopting the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by this body in order to mitigate or avoid significant effects on the environment, pursuant to California Public Resources Code Section 21081.6;

Directing the City Clerk to file a Notice of Determination (NOD) with the Clerk of the Board of Supervisors for the County of San Diego regarding the above project.

NOTE: See the Redevelopment Agency Agenda of 5/3/2005, for a companion item.

Staff: Jim LoBue – (619) 533-5263

Sharon Matthews – Deputy City Attorney

FILE LOCATION: Subitems A-B: MEET

COUNCIL ACTION: (Time duration: 11:36 a.m. – 11:36 a.m.)

MOTION BY ATKINS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-not present, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor Murphy-yea.



ITEM-332: Two actions related to City Heights Square Senior Housing Project Disposition and Development Agreement.

(See Redevelopment Agency Report RA-05-11/CMR-05-095. City Heights Community Area. District 3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2005-1080) ADOPTED AS AMENDED AS RESOLUTION R-300385

Declaring that the City Council recognizes that it has received and heard all oral and written objections to the proposed Agreement, to the proposed sale of the real property pursuant thereto, and to other matters pertaining to this transaction, and that all the oral and written objections are hereby overruled;

Finding and determining that the sale of the real property for the City Heights Square Senior Housing Project (Development) as described in the Agreement will assist in the elimination of blight;

Finding and determining that the consideration to be paid by the City Heights Square, L.P. (Developer) for the purchase of the real property for the Development is not less than the fair reuse value of the property at the use and with the covenants and conditions and development costs as set forth in the Agreement. The Agency further finds and determines that all consideration to be paid under the Agreement is in an amount necessary to effectuate the purposes of the Redevelopment Plan for the Project Area;

Approving the sale of the real property and the Agreement which establishes the terms and conditions for the sale and improvement of the real property;

Finding and determining that the use of Low and Moderate Income Housing Funds from the Centre City Redevelopment Project Area pursuant to the Agreement will be of benefit to the Centre City Redevelopment Project Area for the reasons set forth in Attachment 1;

Authorizing the City Clerk to deliver a copy of this resolution to the Executive Director and members of the Agency.

Subitem-B: (R-2005-1079) ADOPTED AS RESOLUTION R-300386

Certifying the information contained in the Mitigated Negative Declaration (MND) No. 40960 (Mitigated Negative Declaration), and in reliance on such certification, certifies that the information contained in the Mitigated Negative

Declaration on file in the Office of the City Clerk, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code Section 21000 et seq.), as amended, and the State guidelines thereto (California Code of Regulations Section 15000 et seq.), that the declaration reflects the independent judgment of the City Council as Responsible Agency and that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by the Council in connection with the approval of the DDA for the City Heights Square Senior Housing Project;

Declaring the project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study and therefore, approving the Mitigated Negative Declaration;

Adopting the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by this body in order to mitigate or avoid significant effects on the environment, a copy of which is included in the Mitigated Negative Declaration and incorporated herein by reference, pursuant to California Public Resources Code Section 21081.6;

Directing the City Clerk to file a Notice of Determination (NOD) with the Clerk of the Board of Supervisors for the County of San Diego regarding the above project.

NOTE: See the Redevelopment Agency Agenda of May 3, 2005, for a companion item.

Staff: Bob Kennedy – (619) 533-4276
Sharon Matthews – Deputy City Attorney

FILE LOCATION: Subitems A-B: MEET

COUNCIL ACTION: (Time duration: 11:37 a.m. – 11:41 a.m.)

MOTION BY ATKINS TO ADOPT THE CITY MANAGER'S RECOMMENDATION WITH THE AMENDMENT TO NOT SPLIT THE RESIDUAL RECEIPTS BETWEEN THE AGENCY AND THE ORGANIZATION, BUT THAT THEY STAY WITH THE SOCIAL SERVICE ORGANIZATION. Second by Frye. Passed by the following vote: Peters-yea, Zucchet-not present, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor Murphy-yea.

ITEM-333: Three actions related to Amended and Restated Disposition and Development Agreement with Oliver McMillan, LLC and Review of Basic Concept/Schematic Drawings for the South Block Lofts Project.

(See Centre City Development Corporation Report CCDC-05-11/CCDC-05-05. East Village Redevelopment District of the Expansion Sub Area of the Centre City Redevelopment Project. District 2.)

CENTRE CITY DEVELOPMENT CORPORATION'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2005-1021) ADOPTED AS RESOLUTION R-300387

Approving the sale of certain property located generally on the block bounded by Sixth Avenue, G Street, Seventh Avenue, and Market Street, in the Centre City Redevelopment Project Area to Oliver McMillan, LLC; approving the Amended and Restated Disposition and Development Agreement pertaining thereto; and making certain findings with respect to such sale.

Subitem-B: (R-2005-1022) ADOPTED AS RESOLUTION R-300388

Certifying that the City Council has reviewed and considered information contained in the Master Environmental Impact Report for the Centre City Redevelopment Project, the Subsequent Environmental Impact Report to the MEIR for the Proposed Ballpark and Ancillary Development Projects, and Associated Plan Amendments, and the Secondary Study with respect to the proposed Disposition and Development Agreement between the Redevelopment Agency of the City of San Diego and Oliver McMillan, LLC; and making certain findings and determination regarding environmental impacts of the development pursuant thereto.

Subitem-C: (R-2005-1023) ADOPTED AS RESOLUTION R-300389

Approving Centre City Development Permit/Variance 2002-51, for the South Block Lofts Project, subject to the conditions listed in said Permit.

NOTE: This is a Joint Public Hearing with the Redevelopment Agency. See the Redevelopment Agency Agenda of May 3, 2005 for a companion item.

FILE LOCATION: Subitems A-C: MEET

COUNCIL ACTION: (Time duration: 11:32 a.m. – 11:34 a.m.)

MOTION BY ATKINS TO ADOPT WITH DIRECTION TO THE CITY MANAGER AND CCDC, IN TERMS OF A VACANT LOT THAT HAS BEEN ALLOWED TO BE USED FOR PARKING BECAUSE THE PROJECT WAS NOT BEING DEVELOPED, TO COME BACK TO COUNCIL, AS A SEPARATE ITEM, WITH AN UPDATE ON THE ISSUE OF THE PARKING DOWNTOWN. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-not present, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor Murphy-yea.



ITEM-334: Four actions related to Grantville Redevelopment Project.

(See Redevelopment Agency Report RA-05-14/CMR-05-099; Redevelopment Agency Report to the City Council dated 3/18/2005; Final Program Environmental Impact Report dated March 2005; Final Environmental Impact Report CEQA Findings dated March 2005; Mitigation Monitoring and Reporting Program dated March 2005; Draft 2nd of the Redevelopment Plan for the Grantville Redevelopment Project dated 2/16/2005; Draft 3B of the Grantville Rules Governing Participation dated 3/3/2005; and letter from Atomic Investments, Inc. dated 4/21/2005. Navajo, Tierrasanta, and College Community Areas. District 7.)

CITY MANAGER'S RECOMMENDATION:

Introduce the ordinance in Subitem-A and adopt the resolutions in Subitems-B, C, and D:

Subitem-A: (O-2005-116) INTRODUCED, TO BE ADOPTED ON TUESDAY,
MAY 17, 2005

Introduction of an Ordinance approving and adopting the Redevelopment Plan for the Grantville Redevelopment Project.

NOTE: Today's action is the continuation of consideration of this matter (See Item S502, on Tuesday, April 19, 2005) and the introduction and adoption of the Ordinance, pursuant to the San Diego City Charter Sections 16, 17, and 71.

Subitem-B: (R-2005-1046 Cor. Copy) ADOPTED AS RESOLUTION R-300391

Certifying the Final Program Environmental Impact Report and Addendum for the Grantville Redevelopment Project and the implementation activities therefore, making certain findings regarding the Environmental Impacts of the proposed Redevelopment Project, adopting a Mitigation Monitoring and Reporting Program, and adopting a statement of overriding considerations.

Subitem-C: (R-2005-1048) ADOPTED AS RESOLUTION R-300392

Adopting written findings in response to each written objection of an affected property owner or taxing entity to the proposed Redevelopment Plan for the Grantville Redevelopment Project.

Subitem-D: (R-2005-1047) ADOPTED AS RESOLUTION R-300393

Finding that the use of tax increment funds for low and moderate income housing outside of the Grantville Redevelopment Project area will be of benefit to the Project.

Staff: Tracy Reed – (619) 533-7519
Rachel H. Witt – Deputy City Attorney

NOTE: See the Redevelopment Agency Agenda of May 3, 2005, for a companion item.

FILE LOCATION: Subitem A: NONE; Subitems B-D: MEET

COUNCIL ACTION: (Time duration: 2:09 p.m. – 3:31 p.m.)

Testimony in opposition by Phil Teyssler, Melissa Bacall, Joseph Beycrlle, Deborah Greenhill, Patricia Rudluff-Jennings, Charles Little, John McNab, Joel Stilwagen, Murry Luftig, Don Strong, and Alan Hunter.

MOTION BY MADAFFER TO INTRODUCE THE ORDINANCE IN SUBITEM A; AND ADOPT THE RESOLUTIONS IN SUBITEMS B, C, AND D. Second by Peters. Passed by the following vote: Peters-yea, Zucchet-not present, Atkins-yea, Young-yea, Maienschein-yea, Frye-nay, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.



[ITEM-S500:](#) Hanford Drive and Fashion Valley Road Emergency Repairs.

(Linda Vista and Mission Valley Community Areas. District 6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-1119) ADOPTED AS RESOLUTION R-300394

Stating the damage of the corrugated metal pipe (CMP) storm drain at Hanford Drive in the Linda Vista area and the resulting sinkhole is declared to constitute an emergency within the meaning of Section 94 of the City of San Diego City Charter and that the rehabilitation and repair of the CMP and sinkhole is necessary to remediate that emergency;

Authorizing the City Manager to exchange \$1,200,000 from Assembly Bill - 2928, Fund 30307, which is currently funding CIP-13-005.0, Emergency Drainage Project (Job Order 130068), with \$1,200,000 from TransNet, Fund 30300;

Authorizing the City Auditor and Comptroller to transfer \$1,779,297 from Assembly Bill - 2928, Fund 30307, including any accumulated interest, to General Services, Streets Division, Department 940, and reduce by the same amount the Fiscal Year 2005 budgeted transfer from TransNet, Fund 30300, to General Services, Streets Division, Department 940;

Authorizing the City Manager to increase by \$500,000 the Fiscal Year 2005 Capital Improvements Program Budget in CIP-13-005.0, Emergency Drainage Projects, Hanford Drive Storm Drain and Sinkhole Repair (Job Order 130071), TransNet, Fund 30300;

Authorizing the City Manager to expend \$525,000 from CIP-13-005.0, Emergency Drainage Projects, Hanford Drive Storm Drain and Sinkhole Repair (Job Order 130071), TransNet, Fund 30300, for the emergency repair of the CMP and sinkhole located at 1975 Hanford Drive;

Authorizing the City Manager to award to Orion Construction Company the contract for the Hanford Drive Storm Drain and Sinkhole Repair Project, in an amount not to exceed \$327,728, contingent upon the City Auditor and Comptroller certifying that said funds are available;

Authorizing the City Manager to expend \$1,200,000 from CIP-13-005.0, Emergency Drainage Projects, TransNet, Fund 30300, for the purpose of emergency repair for the Fashion Valley Road at the San Diego River Crossing Project (Job Order 130068);

Authorizing the City Auditor and Comptroller, upon advice from the administering departments, to transfer any excess funds to the appropriate reserves.

CITY MANAGER SUPPORTING INFORMATION:

A 42" corrugated metal storm drain pipe (CMP) is located within the 15 feet wide drainage easement in front of the homes at 1983, 1975, 1963, and 1949 Hanford Drive in the Linda Vista community of the City of San Diego. The 42" CMP storm drain is 275 feet long and was constructed in 1969 and later extended by Caltrans. The pipe varies in depth with respect to adjacent ground elevation from 14 feet to 50 feet deep.

The 42" CMP storm drain failed on February 12, 2005, and created a deep sinkhole in front of the home located at 1975 Hanford Drive. Storm flow from the failed CMP eroded the supporting dirt surrounding the pipe. Because of the close proximity of the sinkhole to the home, the residents at 1975 Hanford Drive were evacuated for safety reasons, and the sinkhole was filled with dirt and trench shoring.

The proposed repair work will include constructing 300 linear feet of new 42" reinforced concrete storm drainpipe within the street on Hanford Drive and all necessary clean outs and curb inlets. The existing 42-inch CMP that failed will be taken out of service by pumping cement slurry into the pipe and any subsurface voids around the pipe. To accomplish this, staff has prepared design drawings and invited contractors to the job site to bid on the project. The City received three (3) bids of which Orion Construction Company was the lowest bidder. Staff's estimate for the total cost to do this work is \$525,000.

Since permitting and weather conditions could potentially delay drainage repair projects, it is being requested that Assembly Bill (AB) 2928, Transportation Relief, Fund 30307, be exchanged with TransNet, Fund 30300, to maximize the use of cash in both funds. Any delay in fully expending the AB 2928 funds before the end of Fiscal Year 2005 could result in the total loss of

these funds to the State. To prevent this loss of funds to the State, this action requests the authorization to exchange \$1,200,000 of AB 2928, Fund 30307 that was previously approved for the emergency Fashion Valley Road River Crossing Repair with TransNet, Fund 30300. This authorization will allow for the total AB 2928 balance, including interest, of \$1,779,296.49 to be available for exchange with the General Services, Streets Division, Department 940, TransNet, Fund 30300. This action only addresses \$1,700,000 of the \$1,779,296.49 exchange, \$1,200,000 for Fashion Valley Road River Crossing Repair and \$500,000 for Hanford Drive Storm Drain and Sinkhole Repair. The balance of \$79,296.49 in TransNet, Fund 30300 created by this exchange will be available to be utilized in a subsequent action for another emergency drainage project.

FISCAL IMPACT:

Hanford Drive Storm Drain and Sinkhole Repair was previously appropriated \$25,000 of TransNet, Fund 30300. This action will increase the Emergency Drainage allocation by \$500,000. Total project cost is \$525,000.

Fashion Valley Road River Crossing Repair was previously authorized \$1,200,000 of Assembly Bill-2928, Fund 30307, CIP-13-005.0. This action will exchange the AB 2928, Fund 30307, for TransNet, Fund 30300 to maximize the use of cash in both funds. There is no fiscal impact related to this action.

The balance of \$79,296.49 of AB 2928, Fund 30307, including interest, will be authorized to be reallocated with eligible TransNet projects to guarantee that AB 2928, Fund 30307, is fully expended by fiscal year end. There is no fiscal impact related to this action.

These actions do not impact funding of existing projects.

Mendes/Boekamp/DZ

Aud. Cert. 2500951.

Staff: Dave Zoumaras – (619) 533-3138
Jeremy A. Jung – Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:09 p.m. – 2:09 p.m.)

(Time duration: 6:13 p.m. – 6:17 p.m.)